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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 99-043

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. The analysis of the rule contained in the cover letter to the Legislative Council’s rules clearinghouse should be included in the analysis that is part of the rule package. This information is useful and the cover letter may not be received by various interested parties.

b. In s. NR 19.26, the introduction should simply state: “In this section:”.

4. Adequacy of References to Related Statutes, Rules and Forms

Section NR 19.26 (8) (a) refers to reporting forms that will be provided by the department. The agency should ensure that the requirements of s. 227.14 (3), Stats., are met.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. Section NR 19.26 (1) (b) would be clearer if the second sentence were deleted and the following clause were inserted after the word “state” in the first sentence: “, regardless of whether a particular specimen originates outside of this state.”

b. Section NR 19.26 (2) should be rewritten to read: “this section applies to the taking, possession and sale of, and permit requirements regarding, native amphibians, lizards and snakes in Wisconsin.”

c. In s. NR 19.26 (4) (a), it would be helpful to have a cross-reference to a definition or description of endangered or threatened amphibians, lizards and snakes.

d. In s. NR 19.26 (4) (c), may offspring be sold? If not, the second sentence should be more specific. Also, how will the department authorize a release?

e. In s. NR 19.26 (4) (e), “native 5” should be replaced with “5 native.”

f. In s. NR 19.26 (5), “to” should be inserted after “nearest.”

g. In s. NR 19.26 (7) (a), “a” preceding “sports license” should be deleted. Also, “will” should be replaced with “shall.”

h. In s. NR 19.26 (7) (b), “on a calendar year basis” should be replaced with “for one calendar year.”

i. In s. NR 19.26 (8), “the following information:” should be deleted and “Permittee’s” should not be capitalized. Also, the colon after “harvest data including” should be deleted and “will” in the last sentence should be replaced with “shall.” Finally, the use of the phrase “or both” in the last sentence is unclear. Is the record keeper given the option of reporting the number of species bought, number of species sold or the gross total of species bought and sold? Perhaps the phrase “or both” should be deleted and the phrase “bought or sold” should be replaced with the phrase “bought and sold.”

j. In s. NR 19.26 (8) (b) the phrase “specified under par. (a)” should be inserted in the first sentence following the word “records.”